

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RICHARD R. FURSTENAU,)	
)	
Plaintiff,)	No. 07 C 6143
)	
v.)	Judge Charles R. Norgle
)	
CITY OF NAPERVILLE, a municipal)	Magistrate Judge Geraldine Soat Brown
Corporation; MICHAEL HULL, in his individual)	
and official capacity; DAVID DIAL, in his)	
official and individual capacity; MICHAEL)	
CROSS; in his individual and official capacity;)	
PETER BURCHARD, in his official and)	
individual capacity; MARGO L. ELY, in her)	
individual and official capacity; and JOE)	
MATCHETT, in his individual an official)	
capacity,)	
)	
Defendants.)	

**DEFENDANT CITY OF NAPERVILLE'S MOTION TO DISMISS
PLAINTIFF'S THIRD AMENDED COMPLAINT**

Defendant, City of Naperville, hereby moves pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to Dismiss Plaintiff's Third Amended Complaint at Law for failure to state a claim upon which relief can be granted. For the reasons set forth in the accompanying Memorandum of Law in Support of the City's Motion to Dismiss, Plaintiff's Third Amended Complaint should be dismissed, with prejudice.

WHEREFORE, Defendant, City of Naperville, respectfully requests this Honorable Court grant its Motion to Dismiss Plaintiff's Third Amended Complaint with prejudice and any further relief this Court deems just and proper.

Respectfully Submitted,

CITY OF NAPERVILLE

By: /s/ Terrence J. Sheahan
One of Its Attorneys

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